

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

SANDRA K. JOHNSTON, PH. D,

Plaintiff,

v.

CATHY JESS, MICHAEL MEISNER, *et al.*,

Defendants.

ORDER

18-cv-882-bbc

Pro se plaintiff Sandra Johnston is proceeding on claims that various state officials violated her rights to freedom of intimate association and procedural due process under the Fourteenth Amendment when they terminated her employment and suspended her psychological license for one year. Before the court is defendants' motion to stay the January 31, 2020 deadline for filing dispositive motions based on plaintiff's asserted inability to attend her deposition that defendants noticed for 9:30 a.m. on January 23, 2020 in Madison, Wisconsin. Dkt. #63. Plaintiff has submitted a letter from her surgeon, Dr. Jeffrey McLaughlin, who wrote on December 17, 2019, that plaintiff underwent total left hip replacement 11 weeks ago and is still not medically ready to make a two-hour drive and sit for a deposition for several hours. Dkt. #65-6. Both plaintiff and Dr. McLaughlin suggest that the deposition either be taken in writing or held close to her home in Neenah, Wisconsin.

One might suppose that four months would be long enough for a person to recover sufficiently from a hip replacement to perform a sedentary activity with necessary breaks, but plaintiff's treating physician has provided a medical opinion stating otherwise, and the court will abide by it. Because defendants are entitled to depose plaintiff in person with respect to the claims against them, I will strike the January 31 deadline for filing dispositive motions and stay

discovery until plaintiff is cleared to sit for her deposition in Madison, Wisconsin. It will be plaintiff's responsibility promptly to notify the court and the defendants when her recovery period has ended and she is well enough to travel and to sit for a deposition. In the interim, plaintiff must provide status updates on her condition, supported by medical evidence, on or before January 31, 2020 and every 30 days thereafter.

ORDER

IT IS ORDERED that defendants' motion to stay discovery and strike the deadline for filing dispositive motions, dkt. #63, is GRANTED. The deadline for filing dispositive motions is STRUCK and discovery in this case is STAYED pending plaintiff's recovery. On or before January 31, 2020, plaintiff must provide an update on her ability to attend and sit for her deposition, along with any supporting medical evidence, with updated reports every 30 days thereafter.

Entered this 3rd day of January, 2020.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge